

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Th 9

DATE: October 20, 2007

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Alison Dettmer, Deputy Director
Consistency Division
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
Consistency Division

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-047-07
APPLICANT:	Bureau of Land Management
LOCATION:	Stornetta Public Lands, Point Arena, Mendocino Co
PROJECT:	vegetation mowing along Hathaway Creek
ACTION:	Concur
ACTION DATE:	10/9//2007

PROJECT #:	ND-049-07
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Improve livestock crossing on Commonweal Ranch
ACTION:	Concur
ACTION DATE:	10/10/2007

PROJECT #:	ND-056-07
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Sacramento Landing Water Project
ACTION:	Concur
ACTION DATE:	10/16/2007

PROJECT #:	ND-060-07
APPLICANT:	US Coast Guard
LOCATION:	Monterey Bay
PROJECT:	Improvements to Aids-To-Navigation
ACTION:	Concur
ACTION DATE:	10/10/07

PROJECT #:	ND-064-07
APPLICANT:	US Coast Guard
LOCATION:	Bodega Bay
PROJECT:	Improvements to Aids-To-Navigation
ACTION:	Concur
ACTION DATE:	10/18/07

PROJECT #:	ND-065-07
APPLICANT:	USFWS
LOCATION:	South San Diego Bay Unit, San Diego Bay National Wildlife Refuge
PROJECT:	Environmental Education and Native Plant Restoration Project
ACTION:	Concur
ACTION DATE:	10/18/07

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October 9, 2007

Rich Burns
Field Manager
Bureau of Land Management
ATTN: Jonna Hildenbrand
2550 N. State Street
Ukiah, CA 95482

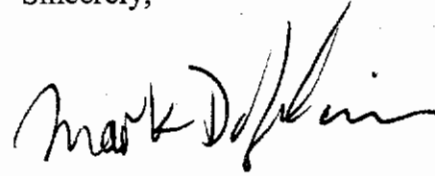
Subject: Negative Determination ND-047-07 (vegetation mowing along Hathaway Creek at Stornetta Public Lands, Point Arena, Mendocino Co.)

Dear Mr. Burns:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to undertake routine maintenance of a 25-foot-wide strip of land along the north side of Hathaway Creek on the BLM's Stornetta Public Lands. Grass will be mowed to a height of four to six inches to allow water drainage of the adjacent Stornetta Brothers Ranch (SBR) agricultural fields while confining any transported sediment within the grassy strip. The proposed maintenance mowing would occur annually in October of each year through 2015 or until an alternative drainage ditch can be designed and constructed by the SBR. The proposed mowing of the 25-foot-wide strip of BLM land is not a new activity as this strip was historically mowed by the SBR prior to their transferring the land to the BLM in 2004. The negotiated agreement for the land transfer mandated that the SBR could continue their routine vegetation maintenance along Hathaway Creek until such time as the alternative drainage ditch is permitted and constructed.

The proposed mowing is consistent with the 2006 *Stornetta Public Lands Management Plan*, which was concurred with by the Commission in September 2006 under consistency determination CD-066-06. The grass mowing will not adversely affect water quality, environmentally sensitive habitat, threatened or endangered species, agricultural activities, or public access and recreation on the Stornetta Public Lands. The Commission staff **agrees** with the BLM that the proposed vegetation maintenance along Hathaway Creek will not adversely affect coastal resources on the Stornetta Public Lands. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Douglas". The signature is fluid and cursive, with the first name "Mark" and last name "Douglas" clearly distinguishable.

(for)

PETER M. DOUGLAS
Executive Director

cc: CCC – North Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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October 10, 2007

Don L. Neubacher
Superintendent
National Park Service
Point Reyes National Seashore
Point Reyes, CA 94956

RE: **ND-049-07** Negative Determination, NPS, Improve Livestock Crossing on Commonweal Ranch, Point Reyes National Seashore, Marin County

Dear Mr. Neubacher:

The Coastal Commission has reviewed the above referenced negative determination. The National Park Service (NPS) proposes to improve an existing livestock crossing on two ephemeral and un-named streams within the Commonweal Ranch at Point Reyes National Seashore. The ranch is located at the southern end of the Point Reyes peninsula on Mesa Drive, approximately 2.3 miles west of the hamlet of Bolinas. The NPS would install a 36-inch by 20-foot culvert in each of two streams approximately 1,800 feet southeast of the two-track ranch road just inside the entrance driveway to the Ranch Complex. The NPS would also fence off a section of riparian zone to the north of the culverts on each stream. The purpose of the project is to improve the existing cattle crossing at this site, thereby improving water quality within the Duxbury Reef drainage, and to restore the section of the creeks that cattle have damaged.

Cattle trampling and grazing in these streams are denuding the wetlands in the creek channels and delivering poor water quality to Duxbury Reef, an Area of Special Biological Significance (ASBS). The NPS expects that this project would reduce delivery of potential pollutants (sediments, pathogens and nutrients) to the Reef.

The NPS would: cut slopes on the western crossing; use the fill to grade 0.45 acres on the western crossing and 0.03 acres on the eastern crossing; armor the upstream ends of the fill with rock around the culvert pipes from bank to bank; and install fencing around the stream channels to the north of both crossings to protect existing riparian/wetland zones. The fencing would amount to 142 feet at the western crossing and 395 feet at the eastern crossing.

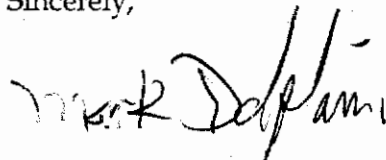
This area is largely invaded by non-native species; however, the NPS would salvage all native vegetation within the area prior to construction and re-plant it in the wetland restoration areas to the north of each culvert. The NPS would seed all disturbed areas with native grasses of local stock and cover with clean mulch. Because part of the area will continue to serve as a crossing for cattle, approximately 0.14 acres would remain denuded. The NPS would restore 0.02 acres of currently denuded wetland; revegetate 0.35 acres as coastal prairie; and protect 0.40 acre of existing riparian corridor with fencing to keep cattle out.

Construction for this project would not affect visitor traffic in Point Reyes, or public access to coastal resources. All activities would take place in late summer and fall to avoid effects on wildlife. The California red-legged frog (CRLF) could be present in the area, but Dr. Gary Fellers, US Geological Service, has determined that as long as the project is completed during dry months prior to Fall rains, CRLF will not occupy the project area due to the denuded and dry state of the soil and vegetation. Sensitive plant species in the broader area include Hayfield tarplant, Marin checker lily, and the federally endangered Sonoma alopecurus. John Di Gregoria, Range Management Specialist for Point Reyes, conducted numerous field reviews in the spring of 2007 and determined that none of the plant species occurs within 0.3 miles of the project area.

The NPS would monitor the project site annually for five years at points established before construction, remove all invasive plant species by hand, and make qualitative estimates of native cover. If native cover is low, the NPS would seed and plant additional plugs of native species.

The Commission staff agrees that the proposed project on Commonweal Ranch in Point Reyes will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35. If you have questions, please contact Diane Livia of the Coastal Commission staff at 415-904-5250 or dlivia@coastal.ca.gov.

Sincerely,



(for) Peter Douglas
Executive Director

cc: John Di Gregoria, NPS
Army Corps of Engineers, SF District

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October 16, 2007

Edward J. Walls
Acting Superintendent
National Park Service
Point Reyes National Seashore
Point Reyes, CA 94956

RE: ND-056-07 Negative Determination, NPS, Sacramento Landing Water Project, Point Reyes National Seashore, Marin County

Dear Mr. Walls:

The Coastal Commission has reviewed the above referenced negative determination. The National Park Service (NPS) proposes to upgrade an existing water system to meet federal, State and NPS water standards at Sacramento Landing on Tomales Bay. The NPS proposes to drill a ground water well with a 5" casing to not more than 300' feet in depth and construct a 100 sq. foot well house for filtering and disinfecting water. The well water would be stored in two installed 10,000-gallon tanks and be used for drinking and fire suppression. The well would supply two fire hydrants via approximately 1,700 linear feet of new poly vinyl chloride piping within a utility trench. The purpose of the project is to improve the water system at the Tomales Bay Marine Station, a part of the Pacific Coast Science and Learning Center, where housing is provided for research and NPS staff.

The existing water system is over 30 years old and consists of a spring-fed wooden storage tank and pump, and one shallow well with a wooden water storage tank. This system does not comply with California's Department of Health Services "Surface Water Treatment Rule" due to inadequate filtration or disinfection. The construction is subject to failure at any time. The project would upgrade the water system to meet federal, State and NPS water standards.

The NPS would: drill a ground water well with a 5" casing not to exceed 300 feet in depth; install a multi-state two horse-power pump with controls; construct a 100 sq. foot well house for treating and disinfecting the water; install two 10,000 gallon plastic storage tanks, which will be constrained with cables to California Building Code seismic requirements; and construct approximately 1,700 linear feet of common utility trench to house 2-inch poly vinyl chloride piping. The NPS expects the work to take approximately 90 days to complete.

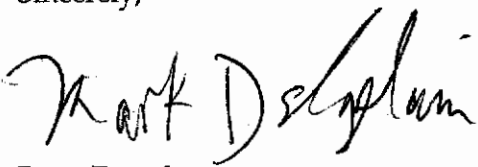
The project construction would take place during the day on weekdays, and, being temporary, would have no effect upon recreational use of the adjacent Tomales Bay. Well-drilling activities would take place approximately 700 feet from the shore, minimizing the temporary noise effects on recreation, as well as marine mammals. The NPS would retain a biological monitor on site to assure avoidance of adverse effects on marine or terrestrial mammals. The NPS would

regularly monitor the project vicinity for effects on seabirds. The project would not affect upland bird nesting because all activities would take place outside the nesting season. Construction for this project would not affect visitor traffic in Point Reyes, or public access to coastal resources. The NPS is mandated to preserve and protect its cultural resources through NPS Management Policies (NPS 28), and has determined that the project would have no cultural effects.

The NPS would require the contractor to submit a storm water pollution prevention plan which must comply with NPS specifications "Soil Erosion and Sedimentation Control" Section 02215 and "Storm Water Pollution Prevention" Section 01571, and will submit the plan to Commission staff for review.

The Commission staff agrees that the proposed project at Sacramento Landing in Point Reyes would not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35. If you have questions, please contact Diane Livia of the Coastal Commission staff at 415-904-5250 or dlivia@coastal.ca.gov.

Sincerely,

(for) 
Peter Douglas
Executive Director

cc: North Central District Office

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October 10, 2007

Dave Stalters
Chief, Environmental Division
Civil Engineering Unit Oakland
U.S. Coast Guard
ATTN: Amanda Velasquez
2000 Embarcadero, Suite 200
Oakland, CA 94606-7200

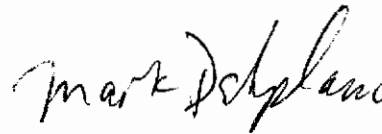
Subject: Negative Determination ND-060-07 (Replacement of Aids to Navigation structure on Monterey Bay Jetty, Monterey Co.)

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination for the replacement of an existing Aids to Navigation (ATON) structure located on the Monterey Harbor Jetty. The existing ATON is a steel structure that supports a platform holding lights, day board, and a fog horn; the structure extends to 18 feet above mean high water. The existing ATON is corroded and unsafe to climb during maintenance operations and the concrete foundation has shifted out of alignment and must be replaced. The proposed ATON will be similar in height and design to the existing unit and will be constructed adjacent to that unit. The proposed work includes construction of a new concrete foundation on the jetty, installation of the new ATON structure, and removal of the existing structure. The construction and removal work on the jetty will take approximately four days spread out over a 45-55-day time period between January and mid-March. Construction is scheduled to occur between the time when California sea lions migrate south from the Monterey Harbor jetty and before Brandt's cormorants migrate to the jetty. The project constitutes replacement-in-kind of an existing structure and would not adversely affect public access, scenic views, water quality, or environmentally sensitive habitat. Replacement of the existing ATON is required for continued support of high-priority coastal zone uses including coastal-dependent and coastal-related boating activities.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Douglas".

(for) PETER M. DOUGLAS
Executive Director

cc: CCC – Central Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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October 18, 2007

Dave Stalters
Chief, Environmental Division
Civil Engineering Unit Oakland
U.S. Coast Guard
ATTN: Amanda Velasquez
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

Re: **ND-064-07**, Coast Guard Negative Determination, Aid-To-Navigation
Maintenance and Piling Installation, Bodega Bay, Sonoma County

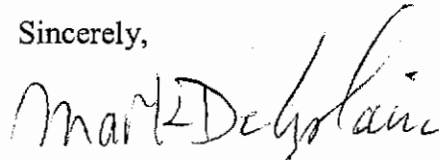
Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination for the maintenance and replacement of nine Aid-To-Navigation (ATON) structures in Bodega Bay. The replacement structures would be in the same locations as the existing facilities. Existing pilings (18 in. diameter, one per structure) would be removed and replaced. Vibratory installation would avoid the need for pile driving. Pile installation is estimated at 5-10 minutes per pile. In the event pile driving does become necessary, the Coast Guard has agreed to submit details to the Commission staff for review and concurrence and to avoid excessive underwater noise levels. The Commission staff recently concurred with a similar Coast Guard negative determination for Aid-To-Navigation replacements in Humboldt Bay (ND-022-07).

(For future Coast Guard projects, our review would be expedited if you address them to the Commission's federal consistency unit rather than our North Central unit.)

The Commission staff **agrees** that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office
Army Corps, S.F. District

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October 18, 2007

Don Brubaker
Refuge Manager
U.S. Fish and Wildlife Service
San Diego National Wildlife Refuge Complex
6010 Hidden Valley Road
Carlsbad, CA 92011

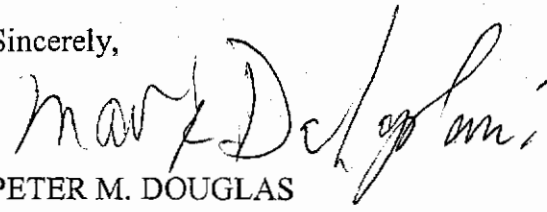
RE: **ND-065-07** Negative Determination, Fish and Wildlife Service, Habitat Heroes Environmental Education and Native Plant Restoration Project, South San Diego Bay Unit, San Diego Bay National Wildlife Refuge

Dear Mr. Brubaker:

The Coastal Commission staff has received the above-referenced negative determination for the Habitat Heroes Environmental Education and Native Plant Restoration Project, in the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge (NWR). The U.S. Fish and Wildlife Service (FWS) proposes a habitat restoration and environmental education site for an outdoor education classroom for children of the San Diego Bay region. The site is north of the Bayshore Bikeway between 12th and 13th St. in Imperial Beach. The project includes trails, irrigation lines, habitat restoration areas, interpretive elements, and study areas. The project will benefit public access, public education and coastal zone resources. Construction will occur outside migratory bird nesting seasons. Post and cable fencing will be installed along the northern edge of the trail to protect south bay habitats. (Please note that in our email concurrence we mistakenly numbered the matter as ND-064-07 – this should be changed to ND-065-07.)

The Commission staff **agrees** that the project will not adversely affect coastal resources, and we therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

(For) 
PETER M. DOUGLAS
Executive Director

cc: San Diego District Office

